

**JUDGE PATTERSON**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :  
- v. - :  
JOSE MANUEL LANTIGUA, :  
Defendant. :  
- - - - - X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: SEP 05 2007
INDICTMENT

07 Cr.

**07 CRIM 836**

COUNT ONE

The Grand Jury charges:

1. In or about December 2002, in the Southern District of New York and elsewhere, JOSE MANUEL LANTIGUA, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that JOSE MANUEL LANTIGUA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of a mixture and substance containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. On or about December 5, 2002, JOSE MANUEL LANTIGUA, the defendant, spoke over the telephone with a confidential informant ("CI") to arrange the sale of more than 50 grams of "crack" to the CI the following day at a location in Manhattan, New York.

b. On or about December 6, 2002, LANTIGUA spoke over the telephone with the CI to arrange a time to meet later that day to conduct the sale of more than 50 grams of "crack" to the CI at a location in Manhattan, New York.

c. On or about December 6, 2002, at a location in Manhattan, New York, LANTIGUA and a co-conspirator not named as a defendant herein ("CC-1") met with the CI. During the meeting, CC-1 gave approximately 53.2 grams of "crack" to the CI in exchange for approximately \$1,600 in cash.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about December 6, 2002, in the Southern District of New York, JOSE MANUEL LANTIGUA, the defendant,

unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the offenses alleged in Counts One and Two herein, JOSE MANUEL LANTIGUA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds the said defendant obtained directly or indirectly as a result of the offenses alleged in Counts One and Two of this Indictment, including, but not limited to, a sum of money in United States currency, representing the amount of proceeds obtained as a result of the charged offenses.

Substitute Assets Provision

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited

with, a third party;

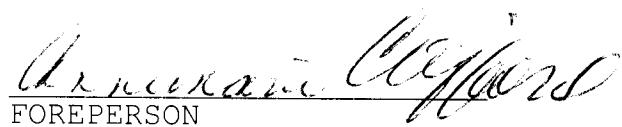
c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

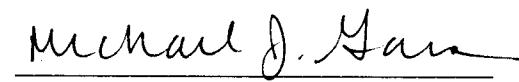
e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
Hernandez

FOREPERSON

  
Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), 846;  
18 U.S.C. § 2

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

Barbara Clifford  
Foreperson.

Post-It 11/1/87

9/5/07 - Fld. Indictment; Case assigned  
to Judge Patterson for all purposes.

S/Eaton, Jr. U.S.M.J.